

## REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding.

Applicant has amended Claims 1, 22, 32, 42, and 46. It should be noted that Applicant has elected to amend said Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making this amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled and does not concede, in any way, that the subject matter of such claim was in fact taught or disclosed by the cited prior art. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

2. 35 U.S.C. §102(e). The Examiner has rejected Claims 1-8, 11-20, 22-27, and 31 under 35 U.S.C. §102(e) as being anticipated by Lumelsky (U.S. Pat. No. 6,246,672).

Applicant respectfully disagrees.

Claims 1 and 22 have been amended to clarify the invention and appear as follows:

1. A method of advertising, the method comprising:  
maintaining an Internet-related communication session between a user and a portal; and  
during the communication session, periodically selecting and playing advertisements automatically based on any one of user constraints and sales criteria.
22. A system for advertising using voice control, the system comprising:

means for maintaining a communication session between a user and a portal; and

means for periodically selecting and playing advertisements automatically during the communication session based on any one of user constraints and sales criteria.

Lumelsky does not teach, disclose, or contemplate a system that during a communication session, periodically selects and plays advertisements automatically based on any one of user constraints and sales criteria as claimed in the invention. Lumelsky does not contemplate such a system. Lumelsky does not have the ability to periodically select and play advertisements. Further, Lumelsky does not have the ability to do so automatically based on any one of user constraints and sales criteria.

The Advisory Action of 2/3/03 states:

“Lumelsky discloses that the user in advance selects categories of interest. When a session is initiated, information in the users field of interest, but the specifics of which the user has no idea, will be transmitted (col. 11, lines 6-14). Hence a session is initiated, and then a variety of new, surprise content is automatically sent based on the fields of interest that the user had established well prior to the session.”

The Advisory Action's interpretation of Lumelsky is not what is claimed in the invention. The invention as claimed **periodically** selects and plays advertisements **automatically during the communication session** based on any one of user constraints and sales criteria. The Advisory Action admits that Lumelsky does not perform such a periodic task. The Advisory Action specifically states (as well as Lumelsky) that at the initiation of a session, content is sent to the user.

Additionally, Lumelsky in col. 11, lines 10-12 state (emphasis added):

“When a subsequent session is initiated, the user will receive **all** information listed in the user's list of topics, but only that information pertaining to the user selected topics of interest.”

There is no contemplation in Lumelsky of such a periodic action as claimed in the invention.

Further, the Office Action states:

“However, Lumelsky discloses providing an individualized information service (col 1, lines 6-12; col 5, lines 2-4). Lumelsky further discloses that this information and content includes advertising (col 4, lines 39-44; col 13, lines 10-13). Lumelsky further discloses that content can be delivered to the user based on active or passive criteria (col 11, lines 14-31). Lumelsky further discloses that content is delivered to the user based on user constraints, profiles, and criteria (col 8, lines 50-55; col 10, line 63-col 11, line 12; col 19, lines 53-col 20, line 48). Therefore, it is inherent to the Lumelsky reference that Lumelsky reference that Lumelsky discloses selectively providing advertisements based on user constraints and sales criteria.”

Lumelsky does not attempt to disclose that advertisements can be periodically selected and played automatically based on any one of user constraints and sales criteria as claimed in the invention.

The Office Action cites col. 4, lines 39-44 as disclosing the information and content provided by Lumelsky includes advertising. Col. 4, lines 39-44 have been cited out of context. In reality, col. 4, lines 39-44 refer to content used in RDBS wherein RDBS **cannot** be used for Lumelsky's invention. Col. 4, lines 36-57 clarify the inability for RDBS content to be used by Lumelsky (emphasis added):

“This list is not complete and somewhat different for RDS and RDBS standards. American RDBS version reserves groups 3, 5, 6 and 7 for renting by station

owners to service providers. For example, content providers may transmit newspapers and periodicals, promotional messages and advertising, artist's name and title of song.

Overall the useful data transmission rate for a single group is 45.6 bps. This data rate can be mostly used for scrawling text messages on an LCD screen, e.g., song lyrics. Moreover, it is known that the RDS standard creators admit that the Radio Text feature is unlikely to be used in car receivers, due to the distracting effect of a video screen to a driver.

The data transmission rates typical for the RDS/RDBS standards are obviously too slow for any audio-related application. Also, interactive applications are completely out of the scope of those standards. As a result, while RDBS or RDS standards substantially expand broadcast services, they still do not provide users with individualized and fully interactive audio content transmission."

Further, Lumelsky can only deliver information relating to a user's topic of interest or request **on his demand** or deliver information that the PRSS may anticipate that may be of interest to the user in the near future, **and** Lumelsky will only deliver information that has been created or changed since the last time the user retrieved information. Col. 19, lines 8-11 state:

"When a user first logs on, or on his/her demand, the PRSS 201 retrieves information relating to his/her topic(s) of interest from the data repository 401 and delivers it to the user."

Col. 19, lines 17-24 state:

"However, the PRSS 201 preferably does not send the same information to the user repeatedly. Thus, each time a user requests information, a record of the particular information is maintained in the access history store 214. In this way,

the PRSS will only deliver the information that has been created or changed since the last time the user retrieved information.”

Col. 19, lines 41-48 state:

“Data is preferably stored in the cache 212 in one of two ways: (1) by storing the data retrieved as a result of a user request or (2) via a pre-fetching mechanism, i.e., using the profiles and noted access patterns of the user, the PRSS may anticipate which information may be of interest in the near future and retrieve such data so that the data is available at the PRSS upon user request.”

it is clear from the above that Lumelsky cannot periodically select and play advertisements automatically. Lumelsky does not contemplate the use of advertisements nor does Lumelsky contemplate periodically selecting and playing advertisements automatically. Further, Lumelsky cannot periodically select and play advertisements automatically based on any one of user constraints and sales criteria as claimed in the invention.

Lumelsky therefore does not teach every aspect of the invention either explicitly or impliedly.

Claims 1 and 22 are allowable. Claims 2-8, 11-20, and 23-27, 31 are dependent upon Claims 1 and 22, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(e).

3. 35 U.S.C. §102(e). The Examiner has rejected Claims 32-50 under 35 U.S.C. §102(e) as being anticipated by Dedrick (U.S. Pat. No. 5,724,521).

Applicant respectfully disagrees.

Claims 32, 42, and 46 have been amended to clarify the invention and appear as follows:

32. A method of advertising comprising:  
generating a set of possible advertisements, the set of possible advertisements being related to a context;  
ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and  
periodically selecting and playing advertisements automatically from the set of possible advertisements based on the ordering.

42. A system of advertising comprising:  
means for generating a set of possible advertisements, the set of possible advertisements being related to a context;  
means for ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and  
means for periodically selecting and playing advertisements automatically from the set of possible advertisements based on the ordering.

46. A computer program product comprising computer readable program code for advertising with an Internet portal, the program code in the computer program product comprising:  
first computer readable program code for generating a set of possible advertisements;  
second computer readable program code for ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and  
third computer readable program code for periodically selecting and playing advertisements automatically from the set of possible advertisements based on the ordering.

In particular, Dedrick does not teach or disclose a system that periodically selects and plays advertisements automatically from the set of possible advertisements based on the ordering as claimed in the invention. Dedrick does not contemplate such a system.

Dedrick therefore does not teach every aspect of the invention either explicitly or impliedly.

Claims 32, 42, and 46 are allowable. Claims 33-41 and 43-45, and 47-50 are dependent upon Claims 32, 42, and 46, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(e).

4. 35 U.S.C. §103(a). The Examiner has rejected Claims 9, 10, 21, and 28-30 under 35 U.S.C. §103(a) as being unpatentable over Lumelsky (U.S. Pat. No. 6,246,672) in view of Dedrick (U.S. Pat. No. 5,724,521).

The rejection of Claims 9, 10, 21, and 28-30 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claims 1 and 22 above. Claims 9, 10, 21, and 28-30 are dependent upon Claims 1 and 22, respectively, which are in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

5. 35 U.S.C. §103(a). The Examiner has rejected Claim 51 under 35 U.S.C. §103(a) as being unpatentable over Dedrick (U.S. Pat. No. 5,724,521) in view of Lumelsky (U.S. Pat. No. 6,246,672).

The rejection of Claim 51 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claims 32, 42, and 46 above. Claim 51 is dependent upon Claim 46, which is in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

## CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

Respectfully Submitted,



Michael A. Glenn  
Reg. No. 30,176

Customer No. 22862



## V rsion with markings to show changes mad

### In Th Claims

Please amend Claims 1, 22, 32, 42, and 46 as follows (Marked copy):

1. (amended) A method of advertising, the method comprising:  
maintaining an Internet-related communication session between a user and a portal; and  
during the communication session, [selectively providing] periodically selecting and playing advertisements automatically based on any one of user constraints and sales criteria.
22. (amended) A system for advertising using voice control, the system comprising:  
means for maintaining a communication session between a user and a portal; and  
means for [providing] periodically selecting and playing advertisements automatically during the communication session based on any one of user constraints and sales criteria.
32. (amended) A method of advertising comprising:  
generating a set of possible advertisements, the set of possible advertisements being related to a context;  
ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and  
periodically selecting and playing [providing] advertisements automatically from the set of possible advertisements based on the ordering.
42. (amended) A system of advertising comprising:  
means for generating a set of possible advertisements, the set of possible advertisements being related to a context;

means for ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and

means for periodically selecting and playing [providing] advertisements automatically from the set of possible advertisements based on the ordering.

46. (amended) A computer program product comprising computer readable program code for advertising with an Internet portal, the program code in the computer program product comprising:

first computer readable program code for generating a set of possible advertisements;

second computer readable program code for ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and

third computer readable program code for periodically selecting and playing [providing] advertisements automatically from the set of possible advertisements based on the ordering.